

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 17, 2015**

ADDENDUM

AGENDA

ACTION ITEMS

- | | |
|---|---|
| 5 | Approval of a Process to Assign, Prioritize, Track, Review, and Consider for Approval or Implementation the Recommendations Contained in the Final Report of the Ad Hoc Police Practices Review Commission, Dated October 8, 2015 |
| 6 | Endorsement of Principles and Interim Comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement (Dranesville, Mason and Providence Districts) |

ACTION – 5

Approval of a Process to Assign, Prioritize, Track, Review, and Consider for Approval or Implementation the Recommendations Contained in the Final Report of the Ad Hoc Police Practices Review Commission, Dated October 8, 2015

ISSUE:

The Ad Hoc Police Practices Review Commission's final report was presented to and accepted by the Board on October 20, 2015. The report contains 142 primary recommendations of varying scope, complexity, and requirements that impact not only the Police Department, but multiple agencies or stakeholders. A process is required to ensure all recommendations are assigned, tracked, and considered appropriately for approval and implementation if adopted and that status updates are provided to the Board and the public.

RECOMMENDATION:

The County Executive recommends that the Board approve this process designed to assign, track, and consider all of the recommendations of the Ad Hoc Police Practices Review Commission's final report, dated October 8, 2015. A process was requested by the Board at its Public Safety Committee meeting of October 27, 2015.

TIMING:

Board of Supervisors' approval is requested on November 17, 2015.

BACKGROUND:

The creation of an Ad Hoc Police Practices Review Commission was moved by Chairman Sharon Bulova and approved by the Board on March 3, 2015. The purpose of the Commission was to engage the community in an open and transparent process to recommend changes to help the Board and the Police Department achieve the goals of maintaining a safe community, ensuring a culture of public trust, providing for the fair and timely resolution of police-involved incidents and information release, and reviewing Crisis Intervention Training (CIT) and police responses for cases involving mental health.

The Commission met as a whole and in five subcommittees created to focus their efforts. These subcommittees were Communications; Recruitment, Diversity, and Vetting; Mental Health and CIT; Use of Force; and Independent Oversight and Investigations. The Commission and the subcommittees held 40 meetings and two public hearings, ultimately developing and adopting 142 primary recommendations. A number of these also contain additional sub recommendations.

The Commission's final report was presented to and accepted by the Board on October 20, 2015. The recommendations were discussed at the Board's Public Safety Committee meeting on October 27, 2015, with the five subcommittee chairs or a delegate providing an overview of the primary recommendations. The Chief of Police also presented on the Police Department's engagement in the Commission's work and initial efforts on some of the recommendations. Recognizing the complexity of this effort, the Public Safety Committee requested a process to assign, prioritize, review, track, and consider the Commission's recommendations be developed for Board consideration and approval at its meeting of November 17, 2015.

The Commission's recommendations vary in scope, complexity, and requirements. Some are straightforward; however, many will require further review, cross-agency or cross-discipline collaboration, significant public policy discussion by the Board, approval of one-time or recurring funding for programs or positions, or legislative changes. Even if considered or recommended for adoption, some may have to be planned and implemented over several calendar or fiscal years depending on legislative requirements or any phased implementation of associated costs. Therefore, it is difficult to define one process through which all will be considered or achieved.

The Police Department is the primary agency for most of the Commission's recommendations, with some that require no additional resources or funding and that are within the authority of the Chief of Police to implement already underway or near completion. Some of these recommendations mirror those contained within the *Use-of-Force Policy and Practice Review of the Fairfax County Police Department* report conducted by the Police Executive Research Forum (PERF), dated June 2015. Others are related to standards required to be met by the Police Department to achieve accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA), an initiative also already underway. The Chief of Police formed an internal Policy and Directives Change Team to facilitate these two efforts, and the team is now also assigned as the Department's lead on the Commission's recommendations.

However, in addition to the Police Department, there are other agencies and stakeholders already engaged or which will need to be engaged throughout this process. These include, but are not limited to, the Department of Management and Budget, the County Attorney's Office, the Office of Public Affairs, the Department of Information Technology, the Sheriff's Office, the Commonwealth's Attorney's Office, the courts, and the Fairfax-Falls Church Community Services Board. Some of the recommendations are also embedded in Diversion First, a County mental health initiative already underway.

The Deputy County Executive for Public Safety will be responsible and accountable for ensuring the assignment of each recommendation to a lead entity, identifying and connecting other agencies and stakeholders, facilitating continuing cross-agency or cross-discipline collaboration as needed, establishment of any required work groups,

and the scheduling of items for appropriate Board committee meetings or other meetings or forums for discussion.

To move forward on consideration of the Commission's report it is recommended that more frequent Public Safety Committee meetings be scheduled so issues may be prioritized and set on future agendas. Some issues such as independent review or body worn cameras are more complex, including not only potential funding and position requirements, but significant public policy discussion and debate, and may require a full meeting or multiple meetings for consideration and discussion. Some of the recommendations will also require discussion or consideration at other Board committee meetings, to include the Human Services or Legislative Committees. Many recommendations will require final Board consideration and action through, for example, Board Items or the budget process.

Staff believes it is important to continue to engage Commission members as recommendations are discussed and considered. It is recommended that this be accomplished through the creation of a small ad hoc Police Practices Implementation Advisory Committee to include the chairs of the five Commission subcommittees or a designee of the Commission Chairman. This committee will be asked to participate in relevant discussions in order to clarify recommendations or provide guidance to staff and/or members of the Board, and will be updated on progress and status of the recommendations. Committee members may assign or designate other members of the Commission or subcommittees when needed. The Deputy County Executive for Public Safety will be the primary point of contact between this committee and the respective agencies or stakeholders and will have the responsibility to facilitate continued communication, collaboration, and engagement.

For accountability, an Excel assignment and tracking spreadsheet (Attachment 1) has been developed and will be used to track and report the status for each primary and sub recommendation, and to identify the lead entity, other agencies or stakeholders required, other related initiatives to which they may be linked, potential funding or position requirements, legal review or legislative change requirements, and to identify the approving authority.

The Deputy County Executive for Public Safety will be responsible and accountable for maintaining the tracking spreadsheet and for ensuring status updates are provided to the Board and the public. The Excel form will be posted online, but due to the complexity and breadth of the spreadsheet, staff will work with the Office of Public Affairs to develop a more web friendly "report card" to also post online and share status of the recommendations with the public.

Finally, the Deputy County Executive for Public Safety will be responsible for the completion of a final summary report to the Board when all of the recommendations have been considered and acted on, with the action taken on each listed.

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If approved, staff will work with the Chairman to schedule future Public Safety Committee meetings.

FISCAL IMPACT:

None. There is no fiscal impact for this item and its defined process. However, there will be future fiscal impacts, one-time and recurring, for some of the recommendations if later adopted by the Board.

ENCLOSED DOCUMENTS:

Attachment 1 - Ad Hoc Practices Review Commission Recommendations Assignment and Tracking Spreadsheet

STAFF:

David M. Rohrer, Deputy County Executive
Edwin C. Roessler Jr., Chief of Police, Police Department

DRAFT

| AD HOC POLICE PRACTICES REVIEW COMMISSION REPORT RECOMMENDATIONS ASSIGNMENT AND TRACKING SPREADSHEET (SAMPLE PAGE - NOT TO SCALE) | | | | | | | | | | | | | | |
|---|-------|-------------|--------------------------|----------------------|-------------------------------|-----------------------------|--|--|---------------------------------------|---------------------------------------|---|---------------------------|--|--------|
| NUMBER | TOPIC | REPORT PAGE | RECOMMENDATION NARRATIVE | LEAD AGENCY / ENTITY | OTHER AGENCIES / STAKEHOLDERS | LINK TO PERF REPORT / CALEA | LINK TO OTHER INITIATIVE (i.e., Diversion First) | POTENTIAL LEGAL REVIEW / LEGISLATIVE CHANGE REQUIRED | POTENTIAL FUNDING REQUIREMENT (Range) | POTENTIAL POSITIONS REQUIRED (Number) | PUBLIC SAFETY COMMITTEE AGENDA ITEM (Y/N, Date) | TIMELINE / OTHER COMMENTS | APPROVING AUTHORITY (i.e., BOS, PD, CSB, etc.) | STATUS |
| Communications Subcommittee | | | | | | | | | | | | | | |
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| Mental Health and CIT Subcommittee | | | | | | | | | | | | | | |
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| Use of Force Subcommittee | | | | | | | | | | | | | | |
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| Independent Oversight and Investigations Subcommittee | | | | | | | | | | | | | | |
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ACTION – 6

Endorsement of Principles and Interim Comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement (Dranesville, Mason and Providence Districts)

ISSUE:

Board endorsement of principles and interim comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement.

RECOMMENDATION:

The County Executive recommends that the Board endorse the following principles and interim comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement which are contained in a letter to Secretary of Transportation Aubrey Layne and Northern Virginia Transportation Commission (NVTC) Chairman David Snyder (Attachment I):

Principles Related to the Framework Agreement

- The Board supports the goals of the I-66 Inside the Beltway Multimodal Improvement Project which are:
 - Increasing person throughput in the corridor;
 - Improving travel times;
 - Reducing congestion;
 - Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
 - Improving travel conditions on local roads
- If local governments are not party to the Framework Agreement between the Commonwealth and NVTC related to this project, a second agreement between NVTC and the jurisdictions specifically outlining project selection procedures should be developed;
- The effects of tolling I-66 inside the Beltway on adjacent and parallel roadways should be considered when determining when to widen I-66 inside the Beltway;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for the selection and implementation of multimodal projects to be supported by toll revenues, and to the extent possible, these projects should be completed before tolling is implemented; and
- Toll rates should be kept reasonable.

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Interim Comments on the Framework Agreement

- The current form of the Framework Agreement includes language in various places that allows the Commonwealth to interrupt the flow of funding to NVTC. These exclusions should be reduced to a minimum level to prevent impacts on the implementation of multimodal projects, and the Commonwealth should consider incorporating additional language and/or strategies (such as limiting the amount of toll revenue spent on operations and maintenance of the toll equipment) to improve the marketability of I-66 Inside the Beltway bonds that NVTC may consider issuing. Otherwise, it is unclear whether bonds issued by NVTC and supported by toll revenues will be marketable;
- The Commonwealth Transportation Board (CTB) should not be able to veto the projects NVTC selects for funding with excess toll road revenues, so long as the projects meet the requirements of the federal court decision related to the use of toll road revenues, federal and state law and the Framework Agreement;
- Funding created by this project should not be used to reduce the amount of statewide maintenance and operations funding the region or local jurisdictions receive; and
- Limits should be considered on the amount of toll road revenues used for the operation and maintenance of the facility, based upon VDOT's experience on the operations and maintenance of tolling equipment used on the I-95 and I-495 Express Lanes.

TIMING:

The Board should act on this item on November 17, 2015, because NVTC and the CTB will be voting on the Framework Agreement on December 3, 2015, and December 9, 2015, respectively.

BACKGROUND:

The McAuliffe Administration is interested in proceeding with multimodal improvements, including High Occupancy Toll (HOT) Lanes, on I-66 inside the Beltway. These improvements will include dynamically tolling I-66 inside the Beltway during peak periods in the peak direction only, and using the proceeds for a package of multimodal improvements that will benefit the toll payers, including, for example, bus service, eight-car trains for Metrorail, roadway spot improvements, transportation demand management projects in the corridor, and eventually, widening the interstate between the Dulles Connector Road and Fairfax Drive in Arlington. The tolling of the interstate inside the Beltway is scheduled to be implemented by 2017, and may include some initial multimodal projects. High Occupancy Vehicle (HOV)-2 and higher vehicles will continue to be able to use I-66 Inside the Beltway for free initially in the peak direction. This policy will then transition to HOV-3 and higher vehicles being free in 2020, as has

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been outlined in the Washington region's Constrained Long Range Plan. All vehicles that are allowed to use the facility today would be allowed to use the facility outside the peak periods.

The goals of the project include:

- Increasing person throughput in the corridor;
- Improving travel times;
- Reducing congestion;
- Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
- Improving travel conditions on local roads

Virginia Department of Transportation (VDOT) staff briefed the Board on this project at the Board Transportation Committee meeting on January 20, 2015. Subsequently, Secretary of Transportation Aubrey Layne contacted Arlington Board Chairman Mary Hynes, Fairfax County Board Chairman Sharon Bulova and City of Falls Church Mayor David Tarter requesting assistance in identifying a partner agency in Northern Virginia to assist with the implementation of the multimodal improvement project and manage future revenues generated by the project. Since VDOT intends to implement the toll facility inside the Beltway without a private sector partner, a public sector partner is needed to receive and manage the revenues and facilitate the implementation of the multimodal improvements in the future. The governing bodies of the three jurisdictions requested that the Northern Virginia Transportation Commission (NVTC) serve as the regional partner agency for this project. (The Board of Supervisors acted on this request on March 3, 2015). The Secretary subsequently agreed with this request.

The Board was briefed on the initial version of the Framework Agreement on July 14, 2015, and asked that staff schedule time for the Board to discuss the project itself and consider comments on the project to send to the Secretary. This meeting was held on September 11, 2015, and the Board adopted comments related to the project on September 22, 2015. A copy of the Board's comments is attached as Attachment II.

Since January 2015, County staff have been working with staff from Arlington County, Falls Church, VDOT, the Virginia Department of Rail and Public Transportation (DRPT), and NVTC in pursuing various aspects of this project. These efforts included the development of a framework agreement to guide the process for managing the toll road revenues and selecting projects to be implemented with these revenues. While progress has been made on the Framework Agreement, the agreement is not complete. In addition, the draft agreement does not include the local jurisdictions as parties. As a result, County staff recommends that the Board approve principles and comments related to the agreement and the project, since NVTC is expected to act on the agreement on December 3. The CTB is expected to act on the agreement on December 9.

The major components of the current draft of the Framework Agreement are:

- The parties will be NVTC and the CTB;
- The agreement covers multimodal improvements to I-66 from the intersection with I-495 and Route 29 in the Rosslyn area of Arlington County;
- The agreement is intended to facilitate implementation of recommendations included in VDOT's June 2012 Final Report of the I-66 Multimodal Study Inside the Beltway; the August 2013 Supplemental Report; and the Department of Rail and Public Transportation's 2009 Transportation Demand Management/Transit Report, as well as projects in the corridor that are included in the region's Constrained Long Range Plan;
- The agreement specifies that improvements implemented must benefit the toll payers, per Federal and Virginia law;
- The agreement provides \$5 million from the Toll Road Revolving Fund to initiate the initial list of components;
- The agreement specifically outlines that VDOT will convert the existing facility to a dynamically tolled facility in the peak direction, during the peak period, and that HOV-2+ vehicles will be permitted to use the facility for free until 2020 or upon any increase to HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway. After 2020, HOV-3+ vehicles will be able to use the facility for free. All vehicles current permitted to use this section of I-66 will be permitted to use the facility for free in the off-peak periods. It also includes widening I-66 eastbound from the Dulles Connector Road to Fairfax Drive, subject to certain conditions;
- The conditions for widening I-66 eastbound are:
 - The eastbound lanes of the Facility between the Dulles Connector Road and Exit 71 are operating at an average speed of 50 miles per hour for 90 percent of the time during tolling periods. The average operating speed of I-66 will be reported every 180-days (bi-annually) to NVTC.
 - The average travel times do not experience a 10 percent increase on the eastbound lanes of Route 50 or Route 29 between I-495 and Route 120 (Glebe Road). (Other roadways are also being discussed). Data will be collected daily and reported quarterly, beginning toll day one.
- VDOT will control and manage the toll facility and collect the tolls;
- The first use of the toll revenues will be to operate and maintain the toll equipment and signage; however, VDOT agrees to continue to allocate the same amount of funding for the operation and maintenance of I-66 inside the Beltway as it has in the past from other sources;
- Other uses of toll revenues in priority order are: repayment of Toll Facilities Revolving Account for funding provided for initial components; debt service on any bonds issued by NVTC; the pay-as-you-go cost of other components, including NVTC implementation costs; the costs associated with widening I-66;

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- Excess toll road revenues will be used for multimodal improvement project components selected by NVTC that benefit the toll road users;
- The CTB delegates the authority to NVTC to select the multimodal improvement projects, and the CTB will subsequently provide funding for these projects;
- The agreement does not grant NVTC any authority over I-66 or other roadways in the I-66 corridor;
- The agreement specifies that NVTC must develop evaluation factors and a selection process to identify which components will be funded. This process must include a public hearing;
- The agreement outlines the conditions under which VDOT can suspend tolling;
- The agreement outlines the types of components that NVTC can fund with toll revenues;
- The agreement requires NVTC to allocate toll revenues within two years and expend the revenues within five years;
- The agreement notes that the Commonwealth will not be responsible for any debt issued by NVTC to fund components of the project; and
- The agreement outlines monitoring requirements.

At the same time, VDOT and DRPT staff and their consultant team have been working on a traffic and revenue study that will estimate the impacts of the I-66 Inside the Beltway Multimodal Project on the roadway network parallel and adjacent to I-66 inside the Beltway. This study was originally expected to be completed in mid-August 2015; however, work on the study is continuing, particularly in light of the Governor's recent decision not to toll traffic in the counter-flow direction.

Based on the review of the data received so far, County staff has reached the following conclusions:

- In 2017, allowing HOV-2+ vehicles to use the facility for free and allowing the tolling of non-HOV-2+ vehicles reduces traffic on parallel roadways in the peak direction;
- The conversion from HOV-2+ to HOV-3+ vehicles being free in 2020, results in some increases in volumes on parallel roadways, particularly along U.S. Route 50 in Fairfax County; and
- The Governor's decision not to toll traffic in the counter-flow direction has significantly reduced impacts of the project on adjacent and parallel roadways in Fairfax County.

County staff is continuing to work with the inter-jurisdictional technical working group and the VDOT consultant team to identify the ability of the existing infrastructure to handle the increases upon conversion to HOV-3+ and to identify mitigation measures that may be needed. Additional analyses will be conducted on 2040 traffic data to determine any mitigation that may be needed.

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A revised schedule of major milestone actions is included in this item as Attachment III.

Since neither the Framework Agreement nor the traffic and revenue study are complete and several key provisions, such as termination language and the priorities for use of toll road revenues, are still being negotiated, County staff has developed a recommended list of principles and interim comments related to the project for the Board's consideration. Additional work still needs to be done during the next three weeks to complete a document for consideration by NVTC and the CTB. These comments are in addition to the original list of comments the Board approved on September 22, 2015 (Attachment II). They are:

Principles Related to the Framework Agreement

- The Board supports the goals of the I-66 Inside the Beltway Multimodal Improvement Project which are:
 - Increasing person throughput in the corridor;
 - Improving travel times;
 - Reducing congestion;
 - Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
 - Improving travel conditions on local roads
- If local governments are not party to the Framework Agreement between the Commonwealth and NVTC related to this project, a second agreement between NVTC and the jurisdictions specifically outlining project selection procedures should be developed;
- The effects of tolling I-66 inside the Beltway on adjacent and parallel roadways should be considered when determining when to widen I-66 inside the Beltway;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for the selection and implementation of multimodal projects to be supported by toll revenues, and to the extent possible, these projects should be completed before tolling is implemented; and
- Toll rates should be kept reasonable.

Interim Comments on the Framework Agreement

- The current form of the Framework Agreement includes language in various places that allows the Commonwealth to interrupt the flow of funding to NVTC. These exclusions should be reduced to a minimum level to prevent impacts on the implementation of multimodal projects, and the Commonwealth should consider incorporating additional language and/or strategies (such as limiting the amount of toll revenue spent on operations and maintenance of the toll equipment) to improve the marketability of I-66 Inside the Beltway bonds that NVTC may consider issuing. Otherwise, it is unclear whether bonds issued by NVTC and supported by toll revenues will be marketable;

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- The CTB should be not able to veto the projects NVTC selects for funding with excess toll road revenues, so long as the projects meet the requirements of the federal court decision related to the use of toll road revenues, federal and state law and the Framework Agreement;
- Funding created by this project should not be used to reduce the amount of statewide maintenance and operations funding the region or local jurisdictions receive; and
- Limits should be considered on the amount of toll road revenues used for the operation and maintenance of the facility, based upon VDOT's experience on the operations and maintenance of tolling equipment used on the I-95 and I-495 Express Lanes.

FISCAL IMPACT:

This action has no direct fiscal impact on Fairfax County. The toll road revenues collected on I-66 inside the Beltway will be used for multimodal improvement projects that benefit the toll payers. Some of these projects may be located in Fairfax County. Additionally, these toll road revenues may fund additional bus service starting in Fairfax County.

ENCLOSED DOCUMENTS:

Attachment I: Letter to Secretary of Transportation Aubrey L. Layne, Jr., and NVTC Chairman David Snyder transmitting the Board's principles and comments on the I-66 Inside the Beltway Multimodal Improvement Project and Framework Agreement
Attachment II: September 22, 2015, Letter to Secretary of Transportation Aubrey L. Layne, Jr., transmitting the Board's comments on the I-66 Inside the Beltway Multimodal Improvement Project
Attachment III: Draft Schedule for I-66 Inside the Beltway Activities

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Bob Kuhns, Transportation Planning Division, FCDOT
Karyn Moreland, Capital Projects and Traffic Operations Division, FCDOT
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Noelle Dominguez, Coordination and Funding Division, FCDOT
Malcolm Watson, Coordination and Funding Division, FCDOT
Ellen Posner, Coordination and Funding Division, FCDOT
James McGettrick, Assistant County Attorney
Emily Smith, Assistant County Attorney

November 18, 2015

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation
Commonwealth of Virginia
1111 East Broad Street, Room 3054
Richmond, Virginia 23219

The Honorable David F. Snyder, Chairman
Northern Virginia Transportation Commission
2300 Wilson Boulevard, Suite 620
Arlington, Virginia 22201

Reference: Fairfax County Principles and Additional Comments on the I-66 Inside the
Beltway Multimodal Improvement Project

Dear Secretary Layne and Chairman Snyder:

Thank you for your leadership in seeking improvements to I-66 inside the Beltway and the roadway adjacent and parallel to I-66. As you know, this portion of I-66 is extremely congested in both directions during the morning and evening peak periods. The Fairfax County Board of Supervisors appreciates your willingness to pursue solutions to address this congestion.

While the Board has briefed on the project several times, since the Framework Agreement governing the project and the traffic and revenue study associated with the project are not complete, the Board is not able to take a formal position on the project. However, on November 17, 2015, the Board adopted the principles and interim comments of the Framework Agreement below. These comments supplement the comments on the project approved by the Board on September 22, 2015 (attached).

Principles Related to the Framework Agreement

- The Board supports the goals of the I-66 Inside the Beltway Multimodal Improvement Project which are:
 - Increasing person throughput in the corridor;
 - Improving travel times;
 - Reducing congestion;
 - Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
 - Improving travel conditions on local roads
- If local governments are not party to the Framework Agreement between the Commonwealth and NVTC related to this project, a second agreement between NVTC and the jurisdictions specifically outlining project selection procedures should be developed;

The Honorable Aubrey L. Layne, Jr.
The Honorable David F. Snyder
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- The effects of tolling I-66 inside the Beltway on adjacent and parallel roadways should be considered when determining when to widen I-66 inside the Beltway;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for the selection and implementation of multimodal projects to be supported by toll revenues, and to the extent possible, these projects should be completed before tolling is implemented; and
- Toll rates should be kept reasonable.

Interim Comments on the Framework Agreement

- The current form of the Framework Agreement includes language in various places that allows the Commonwealth to interrupt the flow of funding to NVTC. These exclusions should be reduced to a minimum level to prevent impacts on the implementation of multimodal projects, and the Commonwealth should consider incorporating additional language and/or strategies (such as limiting the amount of toll revenue spent on operations and maintenance of the toll equipment) to improve the marketability of I-66 Inside the Beltway bonds that NVTC may consider issuing. Otherwise, it is unclear whether bonds issued by NVTC and supported by toll revenues will be marketable;
- The Commonwealth Transportation Board (CTB) should be not able to veto the projects NVTC selects for funding with excess toll road revenues, so long as the projects meet the requirements of the federal court decision related to the use of toll road revenues, federal and state law and the Framework Agreement;
- Funding created by this project should not be used to reduce the amount of statewide maintenance and operations funding the region or local jurisdictions receive; and
- Limits should be considered on the amount of toll road revenues used for the operation and maintenance of the facility, based upon VDOT's experience on the operations and maintenance of tolling equipment used on the I-95 and I-495 Express Lanes.

Thank you, again, for your leadership in pursuing multimodal improvements to I-66 that will benefit the residents, businesses and visitors of the region. In addition, thank you for including us in the process of selecting the multimodal projects that will be supported with the toll road revenues. We appreciate your collaborative approach to this effort!

If you have any questions or need additional information, please call Tom Biesiadny, Director of Fairfax County's Department of Transportation at (703) 877-5663 or me at (703) 324-2321.

Sincerely,

Sharon Bulova
Chairman

The Honorable Aubrey L. Layne, Jr.
The Honorable David F. Snyder
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Attachments: a/s

Cc: Members, Fairfax County Board of Supervisors
Edward L. Long Jr., County Executive, Fairfax County
Robert A. Stalzer, Deputy County Executive
Catherine A. Chianese, Assistant County Executive
Nicholas Donohue, Deputy Secretary of Transportation
Helen Cuervo, Administrator, Northern Virginia District, VDOT
Amanda Baxter, Project Manager, VDOT
Kelley Coyner, Executive Director, Northern Virginia Transportation Commission



SHARON BULOVA
CHAIRMAN

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September 23, 2015

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation
Commonwealth of Virginia
1111 East Broad Street, Room 3054
Richmond, Virginia 23219

Reference: Fairfax County Comments on the I-66 Inside the Beltway Multimodal Improvement Project

Dear Secretary Layne:

Thank you for your leadership in seeking improvements to I-66 inside the Beltway. As you know, this portion of I-66 is extremely congested in both directions during the morning and evening peak periods. The Fairfax County Board of Supervisors appreciates your willingness to pursue solutions to address this congestion.

While the Board has not taken a formal position on the project, on September 22, 2015, the Board endorsed the following concerns about the project:

- The multimodal projects supported by the toll revenues should address transit operating costs, including service to and from the Dulles Corridor;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for toll road revenues, and to the extent possible, these projects should be completed before tolling is implemented;
- The impacts of tolling I-66 on local roadways should be monitored regularly and these impacts should be considered in the decision making process for widening I-66 inside the Beltway;
- The timing of widening I-66 Inside the Beltway should be flexible;
- Impacts on Washington Dulles International Airport traffic should be addressed;
- Viable free options to using I-66 during the peak periods should be provided, particularly in the counter-flow direction;
- The impact of widening I-66 without implementing the other multimodal improvements should be modeled for comparison purposes; and
- More data on the impacts of tolling traffic in the counter-flow direction, particularly eastbound I-66 in the evening, should be provided before final votes on the framework agreement for the project are taken.

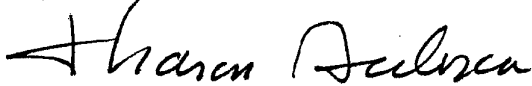
The Honorable Aubrey L. Layne, Jr.
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These comments and concerns are discussed in more detail in the attachment to this letter. The Board wanted to formally transmit these concerns to you, so that they can be considered and addressed as you develop this project.

Thank you, again, for your leadership in pursuing multimodal improvements to I-66 that will benefit the residents, businesses and visitors of the region. In addition, thank you for including us in the process of selecting the multimodal projects that will be supported with the toll road revenues. We appreciate your collaborative approach to this effort!

If you have any questions or need additional information, please call Tom Biesiadny, Director of Fairfax County's Department of Transportation at (703) 877-5663 or me at (703) 324-2321.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Bulova". The signature is fluid and cursive, with the first name "Sharon" being more prominent than the last name "Bulova".

Sharon Bulova
Chairman

Cc: Members, Fairfax County Board of Supervisors
Edward L. Long Jr., County Executive, Fairfax County
Robert A. Stalzer, Deputy County Executive
Catherine A. Chianese, Assistant County Executive
The Honorable Nicholas Donohue, Deputy Secretary of Transportation
Helen Cuervo, Administrator, Northern Virginia District, Virginia Department of
Transportation
Renee Hamilton, Deputy Administrator, Northern Virginia District, VDOT
Amanda Baxter, Project Manager, VDOT

Fairfax County Comments about the I-66 Inside the Beltway Multimodal Improvement Project
September 22, 2015

Multimodal Projects should Address Transit Operating Costs, including service to and from the Dulles Corridor

The list of multimodal projects that might be implemented with the toll road revenues includes a variety of capital and operating projects, such as intersection improvements on roadways near I-66; bus and Metrorail car purchases; transit operating support; and bike and pedestrian projects. There has been some uncertainty about whether or not transit operating expenses can be funded with the toll road revenues. Staff believes that providing support for transit operating costs is one of the most cost-effective ways to increase person throughput in the corridor and reduce congestion. As a result, transit operating costs should be considered for toll road revenues. Drivers in the Dulles Corridors are already paying multiple tolls, and this project will add another one. Consequently, some for the toll revenues should be used to support additional transit service in the corridor to provide an attractive alternatives for these drivers.

Addressing Impacts on the Adjacent and Parallel Roadway Network should be High Priorities for Toll Road Revenues, and to the extent possible, these projects should be completed before tolling is implemented

There have been concerns about the impact of tolling I-66 on the adjacent and parallel roadway network. In some cases, the tolls might result in High Occupancy Vehicle (HOV-2) vehicles shifting away from I-66 to the adjacent roadway network in the future; however, the ability for Single Occupant Vehicles (SOVs) to pay to use the facility and increased transit service might also attract users to the facility. In the absence of complete updated toll and revenue study information, the Board recommends that addressing any negative impacts of tolling on the adjacent and parallel roadway network should be a high priority for the toll road revenues. Recognizing that transportation infrastructure projects can take years to implement, every effort should be made to complete these projects before tolling begins, and before the conversion from HOV-2 to HOV-3. Otherwise, the negative impacts of diversion on specific intersections could be substantial.

The Impacts of Tolling I-66 on Local Roadways should be Monitored and should be Considered in the Decision Making Process for Widening I-66

In theory, congestion pricing should ensure that traffic on I-66 inside the Beltway operates at 55 miles per hour. This could result in extremely high tolls, but not demonstrate the need for widening when looked at in isolation. However, these tolls could push some travelers to use parallel roadways. In assessing the impact of the tolls, the local and parallel roads should be monitored regularly, and any negative impacts on these roads should be considered in the decision making process for widening I-66.

The Timing of Widening I-66 Inside the Beltway should be Flexible

Toll revenues are being considered for the widening of I-66 from the Dulles Connector Road to Fairfax Drive. The Constrained Long Range Plan project submission approved by the Transportation Planning Board for I-66 Inside the Beltway includes this widening after other multimodal improvements have been implemented and their impacts have been assessed. The Board believes that the timing of this widening should remain flexible. If multimodal investments are made, and these investments do not relieve congestion on I-66 inside the Beltway, the widening of the roadway, particularly eastbound from the Dulles Connector Road to Fairfax Drive, should occur as soon as possible.

Impacts on Washington Dulles International Airport Traffic should be Addressed

Currently, SOV traffic to and from Dulles Airport is allowed to use I-66 inside the Beltway even during the restricted HOV time periods. This policy has been important to ensuring reasonable access to the airport from Arlington, the District of Columbia and Maryland at all times. Unfortunately, the policy has also lead to a significant number of violators and difficulty enforcing HOV restrictions east of the Dulles Connector Road entrance to I-66. These factors have contributed to congestion on I-66 inside the Beltway. VDOT is proposing to toll all users of I-66 inside the Beltway, including those with origins and destinations at Dulles Airport, if they are not HOV-2 initially or HOV-3 in the future. While this change in policy should improve travel times to and from Dulles Airport during these peak periods for all users, VDOT should continue to work with the Metropolitan Washington Airports Authority to ensure that this change in policy does not discourage travelers from using Dulles Airport or discourage workers from taking jobs at Dulles Airport.

Viable Free Options to Using I-66 during the Peak Periods should be Provided, particularly in the Counter-flow Direction

While I-66 inside the Beltway is currently restricted to HOV-2 and higher during the peak period in the peak direction, there is no such restriction on travel in the opposite direction. Adding tolling in both directions will ensure 55 mile per hour speeds for HOV-2 and greater initially and HOV-3 in the future, and it will allow people who currently cannot use I-66 at these times to pay to use the facility. However, in the reverse direction, it will mean tolling SOV trips that are currently free. As a result of these proposed new tolling requirements, parallel routes should be improved through techniques such as intersection improvements, enhanced signal timing, increased transit service and improved pedestrian and bicycle facilities to provide viable alternative for SOVs who decide not to pay the toll.

The Impact of Widening I-66 Without Implementing the Other Multimodal Improvements should be Modeled

The traffic modeling work that VDOT is undertaking assumes that multimodal improvements are implemented before I-66 is widening; however, the results do not demonstrate in impacts of widening I-66 inside the Beltway without the multimodal improvements. It would be helpful to see this analysis to ensure that the most cost effective solutions are being implemented.

More Data on the Impacts of Tolling Traffic in the Counter-flow Direction should be Provided

The impacts of tolling the counter-flow traffic on I-66 inside the Beltway, particularly on eastbound I-66 in the evening peak period remain unclear. Intuitively, it does not seem that an average toll of \$1.00 to \$2.00 would be sufficient to address congestion on eastbound I-66 east of the Dulles Connector Road in the evening peak period. Additional efforts should be made to verify this information before final decisions about the project are made.

Draft Schedule for I-66 Inside the Beltway Activities
November 17, 2015

- November 17, 2015: Board Meeting; Board consideration of I-66 Inside the Beltway Project Principles and Additional Comments
- December 3, 2015: Northern Virginia Transportation Commission Meeting; Consideration of I-66 Inside the Beltway Project and Framework Agreement
- December 9, 2015: Commonwealth Transportation Board; Consideration of I-66 Inside the Beltway Project and Framework Agreement